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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,334	04/10/2006	Brent Fricdrich	27726-102849	7675
23644	7590	01/24/2008	EXAMINER	
BARNES & THORNBURG LLP P.O. BOX 2786 CHICAGO, IL 60690-2786			WILSON, GREGORY A	
		ART UNIT	PAPER NUMBER	
		3749		
		NOTIFICATION DATE		DELIVERY MODE
		01/24/2008		ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patent-ch@btlaw.com

Office Action Summary	Application No.	Applicant(s)	
	10/595,334	FRIEDRICH, BRENT	
	Examiner	Art Unit	
	Gregory A. Wilson	3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 April 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-12, 14, 17-31, 33, 36-49 and 51 is/are rejected.
- 7) Claim(s) 13, 15, 16, 32, 34, 35, 50, 52 and 53 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10 April 2006 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date 4/10/06.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "40" has been used to designate both inlet valve and outlet valve (SEE paragraph [00018]). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: lower area (43) and outlet zone (56). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the outlet zone must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities:

In the last line of paragraph [00028], change "is" to --it--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-6, 11, 12, 19-25, 30, 31, 38-43, 48 and 49 are rejected under 35 U.S.C. 102(e) as being anticipated by **Bradenbaugh (6,836,615)**. Bradenbaugh discloses a heated water apparatus (160) having a reservoir (11) for heating water, the reservoir includes a lower portion having a bottom which defines an inlet zone by which water enters through conduit (22) and an upper portion which defines an outlet zone by which water is dispelled through conduit (24), the water inlet positioned proximate to an in communication with the inlet zone, the water inlet being connectable to a water source, a heater (16) having an active heating portion positioned in the inlet zone near the bottom (SEE Figure 1) but at a distance is sufficient to prevent accumulation of mineral deposits extending between the active heating portion and the bottom, a temperature sensor (18) (SEE column 3, lines 19-44) positioned in the inlet zone for sensing temperature in the inlet zone in close proximity to the active heating portion of the heater but is located above the heater and on the outer surface of the reservoir thereby preventing a reading of a false temperature signal, a controller (17) coupled to the heater and temperature sensor, the controller operating the heater in response to the temperature sensor for maintaining at least one of a predetermined temperature and a temperature range within the reservoir (SEE column 3, lines 45 – column 4, line 7).

Claims 1-12, 14, 17-31, 33, 36-49 and 51 are rejected under 35 U.S.C. 102(b) as being anticipated by **Knepler (5,285,717)**. Knepler discloses a water heating system (20) having a reservoir (22) including a bottom for containing water, a lower portion of the reservoir defining an inlet zone (which is interpreted as the area of the reservoir in which

the water enters) which defines a volume approximately equal to a unit of volume of water which can be dispensed and an upper portion of the reservoir defining an outlet zone (36) (which is interpreted as the area of the reservoir in which the water is being drawn), a water inlet (34) in fluid communication with a source of water (32) and the lower portion of the inlet zone, a heater (50) having an active heating portion positioned in the inlet zone in close proximity to the bottom at a distance sufficient to prevent accumulation of mineral deposits extending between the active heating portion and the bottom, a temperature sensor (44) positioned for sensing temperature in the inlet zone toward and close to but positioned above the heater (SEE Figure 1), but distanced enough from the heater to prevent a false reading, a water outlet (36) in fluid communication with the outlet zone which defines a unit of volume that can be dispensed from the reservoir (SEE column 4, lines 16-35), a controller (41) coupled to the heater and the temperature sensor, the controller using information from the temperature sensor to controllably operate the heater to maintain a predetermined temperature within the reservoir (SEE column 3, lines 3-22), a top (SEE Figure 1) carried on the reservoir, the temperature sensor (44) carried on and extending through the top, the temperature sensor extending into the reservoir to a position proximate to the active heating portion of the heater for sensing the temperature in the inlet zone (see bottom portion of Figure 1), the water inlet is coupled to a pressurized water line, a controllable valve (60) being operatively associated with the inlet and a controllable valve (62) is operatively associated with the outlet line, the controllable valve being coupled to the controller for controlling the dispensing of water from the reservoir and

further includes a pour-over basin (26) coupled to the inlet for receiving a quantity of water to be dispensed into the reservoir.

Claims 1-4, 7-10, 12, 17, 19-23, 26-29, 31, 36, 38-41, 44-47 and 49 rejected under 35 U.S.C. 102(b) as being anticipated by Wu (6,075,923). Wu discloses a water heating system (SEE Figures 2 & 5) having a reservoir (1) including a bottom for containing water and multiple units of water volume therein, a lower portion of the reservoir (which is interpreted as the area of the reservoir in which the water enters) defining an inlet zone which is defined by a volume approximately equal to a unit of volume to be dispensed, and an upper portion of the reservoir (which is interpreted as the area of the reservoir in which the water is being drawn) defining an outlet zone being defined as a unit of volume to be dispensed from the reservoir, a water inlet (2) in fluid communication with a source of water and in the lower portion of the inlet zone and is coupled to a pressurized water line, a controllable valve (23, 24) being operatively associated with one of the inlet and outlet lines, the controllable valve being coupled to the controller, a heater (32, 42, 52) having an active heating portion positioned in the inlet zone in close proximity to the bottom and a distance which is sufficient to prevent accumulation of mineral deposits extending between the active heating portion and the bottom, a liquid temperature sensor (31) positioned for sensing temperature in the inlet zone and located near the heater, a water outlet (15) in fluid communication with the outlet zone, and a controller (6) coupled to the

heater and the temperature sensor, the controller using information from the temperature sensor to controllably operate the heater to maintain a predetermined temperature within the reservoir (SEE column 3, lines 28-32).

Allowable Subject Matter

Claims 13, 15, 16, 32, 34, 35, 50, 52 and 53 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory A. Wilson whose telephone number is (571)272-4882. The examiner can normally be reached on 7 am - 4:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve McAllister can be reached on (571) 272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GREGORY WILSON
PRIMARY EXAMINER

Gregory A. Wilson

Gaw
January 13, 2008